

11 MISC 00415

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X : STANDING ORDER
IN RE: IMPLEMENTATION OF M10 - 468
PATENT PILOT PROGRAM :

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It appearing that the Court has elected to participate in the Pilot Project for Patent Cases established pursuant to Pub L. No. 111-349, 124 Stat. 3674.

Effective November 21, 2011, the Court's participation in the Patent Pilot Project will commence and shall include *pro se* cases. The Pilot program will be subject to the following procedures:

- (1) When a designated Pilot judge receives a patent case on initial assignment, no transfer will take place. The designated Pilot judge will notify, by memorandum, the Assignment Committee of the assignment with a copy to the Case Assignment Unit.
- (2) When a judge not participating in the Pilot (non-designated judge) receives a newly-filed patent case, the non-designated judge must decide whether to retain or offer the case to a Pilot judge within 30 days of assignment. If the case is not transferred within the 30-day period, that patent case will not be part of the Pilot unless the Assignment Committee directs otherwise. When transferring the case, the non-designated judge will follow the standard procedures for transferring a case.
- (3) When a non-designated judge informs the Assignment Committee and the Case Assignment Unit that he or she wishes to offer the case to a Pilot judge, the case shall be wheeled out to a Pilot judge in the ordinary manner from the deck referred to below. That judge will have five business days in which to determine whether he or she will accept the case. If the first Pilot judge to whom a case is offered determines not to accept it, the case shall be wheeled out to another Pilot judge for determination of whether to accept the case or not. This procedure shall be repeated until either (i) a Pilot judge accepts the case or (ii) all Pilot judges have determined not to accept it. In the event of (ii), the originally-assigned judge shall be informed that the case is not part of the Pilot project, and he or she shall retain the case.

- (4) To further ensure fairness in the distribution of workload among judges, the Office of the Clerk will use a separate assignment deck for cases transferred from non-designated judges to Pilot judges. Each designated Pilot judge will have one card in the Pilot deck, and assignments of cases transferred to the Pilot deck will be made by lot.
- (5) Equalization credit in the assignment category in which the patent case was initially assigned shall be provided to both the Pilot judge and the district judge from whom a case is reassigned.

Dated: New York, New York
November 21, 2011

SO ORDERED

Loretta A. Preska
Loretta A. Preska
Chief United States District Judge